



JOY HOFMEISTER
STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: Joy Hofmeister, State Superintendent and Chair
State Board of Education

FROM: David L. Kinney, General Counsel
State Department of Education

DATE: February 25, 2016

SUBJECT: Gage Public Schools

On January 6, 2016, Gage Public School, Independent School District NO. 39 of Ellis County, Oklahoma, passed a Resolution for Annexation to become part of Fargo Public School, Independent School District No. 2 of Ellis County, Oklahoma. An annexation election is scheduled to be held on April 5, 2016. If passed by the voters, the annexation would become effective April 22, 2016.

Gage Public School may have insufficient funds to operate until the effective date of the annexation. Furthermore the voters of Gage Public School may not approve the annexation. In either case, it is necessary to start the process for a mandatory annexation of Gage Public School.

The Oklahoma Administrative Code provides:

(b) Mandatory annexation.

(1) Mandatory annexation will be considered by the State Board of Education upon occurrence of the following situations:

(A) When a school district has been declared "academically at-risk" pursuant to 70 O.S. 1989, §1210.541.

(B) When a school district is nonaccredited by the State Board of Education.

(C) When a district, without officially dispensing with school, fails to open or maintain a school (except when situations beyond the control of the district cause a normal delay). [Title 70 O.S. § 8-106].

(2) When it comes to the attention of the State Board of Education that a local school district is facing the possibility of mandatory annexation, the State Board of Education shall provide the district with an opportunity to be heard. The State Board of Education shall notify the superintendent and each school board member of the time, date and place of the meeting. At the meeting, representatives of the school district, including patrons, shall have an opportunity to address the State Board of Education and to provide information to the Board. The President of the State Board of Education may set time limits on individual presentations and may require groups to select a representative to speak on behalf of the group.

OAC 210: 1-3-2.

Insufficient funds would cause a district to fail to maintain a school, and it is proper for the State Board to proceed with the possibility of mandatory annexation.

Statutory time lines for mandatory annexation are found at 70 O.S. § 7-101.1(B), which provides:

B. In any case where mandatory annexation of a school or school district is recommended by the State Department of Education, the Department shall notify, in writing, the board of education of the school district involved. Upon receipt of the notification, the school district board shall have fifteen (15) days to request an opportunity to appear before the State Board of Education. If the school district board fails to request an opportunity to appear, the State Board shall proceed without further notice or delay, to conclude the matter. If an opportunity to appear is requested by the school district board, the State Board shall decide the issues after hearing from representatives of the school or school district and the State Department and shall make a final determination on the recommendation of the Department.

I recommend the Board set for next month a hearing for the mandatory annexation of Gage Public School and all required notices be provided. If sufficient funds are available to pay all bills by the school for the month of March, I recommend the hearing for mandatory annexation be continued until the April State Board of Education meeting and all required notices be provided. This would allow the eligible patrons of the Gage Public School to vote on April 5, 2016. If the voters approve the annexation with Fargo Public School, the April mandatory annexation hearing would be mute. If the voters do not approve the annexation or if the election is contested, the State Board would conduct a hearing for the mandatory annexation of Gage Public School at the April State Board of Education meeting.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
RESOLUTION TO THE ELLIS COUNTY ELECTION BOARD
REQUESTING AN ANNEXATION ELECTION

Notice is hereby given that, there has been filed with the State Superintendent of Public Instruction, resolutions for the annexation of the Gage Public School District (23I039), of Ellis County, Oklahoma, to the Fargo Public School District (23I002), of Ellis and Woodward Counties, Oklahoma.

The Ellis County Election Board is hereby requested to call an election to be conducted according to Oklahoma State Statutes, Title 70 O.S. §7-101, for the purpose of voting on the question of the annexation of the entire Gage Public School District (23I039), of Ellis County, Oklahoma, to the Fargo Public School District (23I002), of Ellis and Woodward Counties, Oklahoma.

Now, therefore, be it resolved, the Board of Education of the Gage Public School District (23I039), of Ellis County, Oklahoma, and the Board of Education of Fargo Public School District (23I002), of Ellis and Woodward Counties, Oklahoma, have each submitted their approved School Board Resolutions requesting the annexation of the Gage Public School District to the Fargo Public School District, of Ellis and Woodward Counties, Oklahoma, of which copies are attached and made a part hereof, calling for said election.

ELECTION TO BE HELD ON APRIL 5, 2016.

Between the hours of 7 a.m. and 7 p.m. for the purpose of the registered, eligible voters of the Gage School District (23I039), of Ellis County, Oklahoma.

The annexation of the Gage Public School District (23I039), of Ellis County, Oklahoma, to Fargo Public School District (23I002), of Ellis and Woodward Counties, Oklahoma, shall be approved or denied by a majority of the registered, eligible voters of the Gage Public School District (23I039), which lies in Ellis County, Oklahoma, voting at said election. To be eligible to vote, a voter must be registered with the county election board at an address within the geographical boundary of Gage Public School District.

EFFECTIVE DATE OF SAID ANNEXATION WOULD BE APRIL 22, 2016.

I, the undersigned, the duly qualified and acting State Superintendent of Public Instruction of the State of Oklahoma, hereby certify that the above is true and correct to the best of my knowledge.

By: Joy Hoffmeister
Joy Hoffmeister, State Superintendent of Public Instruction

State of Oklahoma }
County of Oklahoma } ss

SEAL



Signed before me this 3RD day of February, 2016.

Rebecca A. Thompson
(Signature of Notary Public)

Rebecca A. Thompson
(Print Name of Notary Public)

10/5/2019
(My Commission Expires)

15009250
(Commission Number)

OFFICIAL BALLOT
SPECIAL ELECTION
April 05, 2016
ELLIS COUNTY, OKLAHOMA

PRECINCT 230001-AB 103923
GAGE PUBLIC SCHOOLS
INDEPENDENT SCHOOL DISTRICT
No. 039

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TO VOTE:
FILL IN THE BOX NEXT TO
YOUR CHOICE(S) LIKE THIS:



Correct



Incorrect

PROPOSITIONS

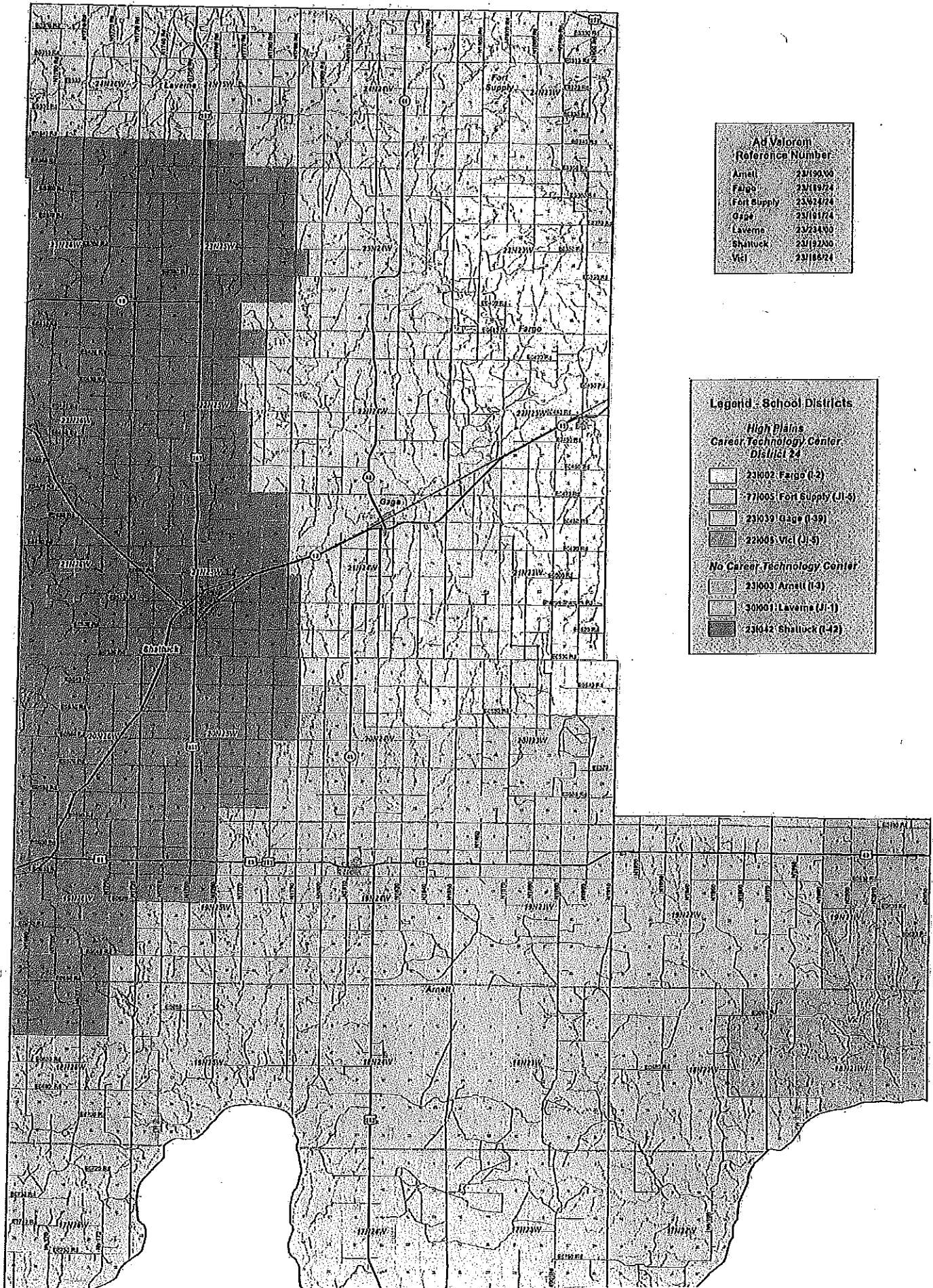
PROPOSITION

Shall all of the Gage Public School District (231039) of Ellis County, Oklahoma, annex to the Fargo Public School District (231002), of Ellis and Woodward Counties, Oklahoma? Such annexation pursuant to the provisions in Section 70 O.S., Section 7-101, thus becoming effective April 22, 2016.

☐ **FOR THE ANNEXATION**
- YES

☐ **AGAINST THE**
ANNEXATION - NO

Ellis County



Ad Valorem Reference Number	
Amell	23/190/00
Fargo	23/189/24
Fort Supply	23/187/24
Gage	23/181/24
Lavema	23/234/00
Shillock	23/182/00
Vici	23/188/24

Legend - School Districts	
<i>High Plains Career Technology Center District 24</i>	
	23/002 Fargo (I-2)
	23/003 Fort Supply (JI-4)
	23/039 Gage (I-39)
	23/005 Vici (JI-5)
<i>No Career Technology Center</i>	
	23/003 Amell (I-4)
	30/001 Lavema (JI-1)
	23/042 Shillock (I-42)

RESOLUTION FOR ANNEXATION

WHEREAS, Independent School District No. 39 of Ellis County, Oklahoma, also known as Gage Public Schools, by and through its duly elected and acting Board of Education, desires that all of its territory be annexed into and become a part of Independent School District No. 2 of Ellis County, Oklahoma, also known as Fargo Public Schools;

WHEREAS, the Board of Education of Fargo Public Schools desires to annex all of the territory of Gage Public Schools and to join in a concurrent resolution with Gage Public Schools;

WHEREAS, the school district electors within the affected territory should have the opportunity to vote on whether all of the territory of Gage Public Schools should be annexed into and become a part of Fargo Public Schools;

WHEREAS, both Fargo Public Schools and Gage Public Schools agree that Gage Public Schools will remain open and operating until the completion of the 2015-2016 school year, that students attending the twelfth (12th) grade in Gage Public Schools during the 2015-2016 school year shall receive graduation diplomas from Gage Public Schools, and that students attending the eighth (8th) grade in Gage Public Schools during the 2015-2016 school year shall receive diplomas for promotion purposes from Gage Public Schools; and

NOW THEREFORE BE IT RESOLVED THAT:

1. Upon the adoption of a concurrent resolution by the Board of Education of Fargo Public Schools, Gage Public Schools hereby requests that the State Superintendent for Public Instruction call an annexation election to be held on April 5, 2016 to determine if the entire territory of Gage Public Schools should be annexed to Fargo Public Schools.
2. The entire territory of Gage Public Schools is subject to this Resolution, and all assets and liabilities, including real property and monetary assets of Gage Public Schools shall transfer to Fargo Public Schools upon approval of the proposed annexation.
3. The name of the new school district will be Fargo-Gage Public Schools.
4. Gage Public Schools will remain open and operating until the end of the 2015-2016 school year and that students attending the eighth (8th) grade or twelfth (12th) grade at Gage Public Schools during the 2015-2016 school year shall receive their graduation or promotional diplomas from Gage Public Schools.
5. The new school district will be governed by a seven member Board of Education. The seven member board positions will be elected at-large and will be initially filled by the five board members of Fargo Public Schools and two board members of Gage Public Schools as of the effective date of the annexation with position numbers being set at the first Board of Education meeting after the effective date of the annexation, and the reelections being as

RESOLUTION

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follows: Office No. 1 election in 2017, Office No. 2 & 3 election in 2018, Office No. 4 & 5 election in 2019, and Office No. 6 & 7 election in 2020.

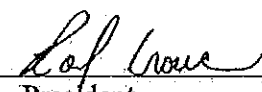
6. The newly-created Board of Education will have the final decision as to the expenditure of funds to be received from the School Consolidation Assistance Fund.
7. The newly-created Board of Education will have the responsibility to determine whether a school will be operated in Gage after the 2015-2016 school year.
8. Fargo Public Schools hereby consents to the annexation of the Gage Public Schools' territory to the Fargo Public Schools in the manner described above should such annexation be approved by the electors and that the annexation take effect and be effective on the date specified by the Order Declaring Annexation issued by the State Superintendent of Public Instruction.

RESOLVED, this 6 day of Jan, 2016

Independent School District No. 39 of Ellis
County, Oklahoma a/k/a Gage Public Schools

Attest:


Clerk, Board of Education


By: President
Board of Education

Gage School District Description:

Beginning at the SW corner of Section 6-20N-24W for the point of beginning, North 1 mile to the NW corner of 6-20N-24W, West 335' to the South center-line of Section 31-21N-24W; North 3 miles, West $\frac{1}{2}$ mile, North 3 miles to the SW corner of 31-22N-24W; West $1\frac{1}{2}$ miles to the South center-line of Section 35-22N-25W; North 3 miles, West $\frac{1}{2}$ mile, North 2 miles to the NW corner of Section 11-22N-25W; East 1 mile, North 1 mile, West 1 mile to the SW corner of 35-23N-25W; North 1 mile, East 2 miles, North 1 mile to the NW corner of Section 30-23N-24W; East $\frac{1}{2}$ mile, North 1 mile, West $\frac{1}{2}$ mile, North 3 miles to the NW corner of Section 6-23N-24W; East 2 miles, North 2 miles to the NW corner of 28-24N-24W; East 4 miles, S $\frac{1}{2}$ mile, East $\frac{1}{2}$ mile, South $\frac{1}{2}$ mile, East $\frac{1}{2}$ mile to the NE corner of 31-24N-23W; South 2 miles, West $1\frac{1}{2}$ miles to the North center-line of Section 12-23N-24W; South 2 miles, East $\frac{1}{2}$ mile, South 6 miles, East 2 miles, South $4\frac{1}{2}$ miles to the West center-line of Section 9-21N-23W; East $\frac{1}{2}$ mile, South 4 miles, East 1 mile, South $\frac{1}{2}$ mile to the NW corner of 3-20N-23W; East $\frac{1}{4}$ mile, South $\frac{1}{2}$ mile, East $\frac{1}{4}$ mile, South 2 miles to the center of Section 15-20N-23W; West 7 miles, North $1\frac{1}{2}$ miles, West $2\frac{1}{2}$ miles to the point of beginning. Consisting of 74.06 perimeter miles and 107,104.02 acres.